

**CHAPTER 24:10:42**  
**POSTSECONDARY PROGRAMS**

Section

24:10:42:01 Repealed.

24:10:42:02 Transferred.

24:10:42:03 to 24:10:42:08 Repealed.

24:10:42:09 Transferred.

24:10:42:10 to 24:10:42:21 Repealed.

24:10:42:22 Contents of applications for new postsecondary programs, program expansions, and continuing programs.

24:10:42:23 Application for new or expanded programs.

24:10:42:24 Application for continuing programs.

24:10:42:25 Approval criteria for new or expanded programs.

24:10:42:26 Tuition.

24:10:42:27 Set-asides.

24:10:42:28 Formula for funding.

24:10:42:29 Yearly revision of formula for funding.

**24:10:42:22. Contents of applications for new postsecondary programs, program expansions, and continuing programs.** All applications must be certified by the director of the ~~Division of Workforce and Career Preparation~~ Office of Career and Technical Education as being complete. Applications must include the following data:

- (1) Program title, program description, program objectives and the methods to obtain the objectives, statement of nonduplication, staff certification, program enrollment, and budget for three years;
- (2) Potential labor market openings including information provided by the South Dakota Department of Labor;
- (3) Average hourly wage, including employer-paid benefits and length of program;
- (4) Entry and exit points identified to show articulation, if applicable, from secondary to postsecondary institute, postsecondary institute to postsecondary institute, postsecondary institute to college, and postsecondary institute to apprenticeship; and
- (5) A career ladder with related workforce needs.

**Source:** 23 SDR 139, effective March 10, 1997.

**General Authority:** SDCL 13-39-37.

**Law Implemented:** SDCL 13-39-9, 13-39-17, 13-39-37.

**24:10:42:24. Application of continuing programs.** An application for a continuing postsecondary program must be submitted to the director of the ~~Division of Workforce and Career Preparation~~ Office of Career and Technical Education for approval every three years on a rotating schedule established by the director. Continuing programs receiving state funding must meet the criteria for program wage factors in subdivision 24:10:42:28(2). The director shall place a program not meeting criteria on probation for one year and shall review the program before approving funding for the year.

**Source:** 23 SDR 139, effective March 10, 1997.

**General Authority:** SDCL 13-39-37.

**Law Implemented:** SDCL 13-39-9, 13-39-18, 13-39-64.

**24:10:42:25. Approval criteria for new or expanded programs.** The South Dakota Board of Education shall consider the following information in determining approval of new or expanded programs in postsecondary technical institutes:

- (1) Identification and description of the program;
- (2) Objectives and purpose of the program;
- (3) Methods of attaining the objectives of the program;
- (4) Description of labor market demands of the United States, the state of South Dakota, student needs, and industry support;
- (5) Population to be served by the program;
- (6) Projected three-year budget;
- (7) Program competencies and entry and exit points of suboccupations;
- (8) Statement of nonduplication;
- (9) Curriculum design and research; and
- (10) Wage factor.

To receive approval for state funding, new or expanded programs in postsecondary technical institutes must meet minimum targets for wages commensurate with the program length as specified in subdivision 24:10:42:28(2).

New programs and program expansions of postsecondary technical institutes must receive approval from the South Dakota Board of Education before students are enrolled.

**Source:** 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 11 SDR 168, effective July 2, 1985; 12 SDR 198, effective June 15, 1986; 14 SDR 86, effective December 24, 1987; 15 SDR 118, effective February 14, 1989; transferred from

§ 24:10:31:03, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:02, 23 SDR 139, effective March 10, 1997.

**General Authority:** SDCL 13-39-37.

**Law Implemented:** SDCL 13-39-9, 13-39-17, 13-39-18, 13-39-37, 13-39-64.

**24:10:42:26. Tuition.** The South Dakota Board of Education shall determine the rate of tuition charged students at postsecondary technical institutes annually, and the rate is effective for the fiscal year beginning July 1.

**Source:** 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; transferred from § 24:10:34:02, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:09, 23 SDR 139, effective March 10, 1997.

**General Authority:** SDCL 13-39-37, 13-39-38.

**Law Implemented:** SDCL 13-39-39, 13-39-39.1.

**24:10:42:27. Set-asides.** The ~~Division of Workforce and Career Preparation~~ Office of Career and Technical Education shall set aside and distribute funds to postsecondary technical institutes for the following purpose before distributing funds through the formula prescribed in § 24:10:42:28:

- (1) Bonding;
- (2) Maintenance and repair;
- (3) Day care;
- (4) ~~Business and industry training;~~

~~(5)~~ (4) Business and industry training coordinators; ~~and~~

(5) New programs; and

~~(6)~~ (6) Other.

**Source:** 23 SDR 139, effective March 10, 1997.

**General Authority:** SDCL 13-39-13, 13-39-19, 13-39-37.

**Law Implemented:** SDCL 13-39-19, 13-39-37 to 13-39-39.

**24:10:42:28. Formula for funding.** The postsecondary technical institutes shall receive state funding, from the amount appropriated by the Legislature less funds reserved in § 24:10:42:27, under a formula that distributes these funds based on tuition full-time equivalents as follows: ~~that takes a categorized program reimbursement level times a weighted program wage factor times a complete full-time equivalent (FTE) number calculated as follows:~~

~~(1) Categorized program reimbursement level—The Division of Workforce and Career Preparation shall place each program into either the Targeted, Mid-level, or Base level category based on staffing considerations, equipment and supplies requirements, and economic benefit to the state. For students that are not reflected in a given program, a fourth category called Skills Enhancement shall be used. Reimbursement levels are as follows:~~

~~(a) Targeted—\$3,500;~~

~~(b) Mid-level—\$2,500~~

~~(c) Base Level—\$1,500;~~

~~(d) Skills Enhancement—\$500 if skills enhancement FTE is a positive number,  
\$1,500 if it is a negative number;~~

~~(2) Program wage factor—The division shall determine a wage factor for each program by dividing the statewide average earnings of postsecondary graduates for a particular program one year following graduation by a targeted per-hour wage, including benefits, that is commensurate with the length of the program. The targeted per-hour wage may rise above the minimums specified in this subdivision. Wage targets are as follows:~~

- ~~(a) Programs that are two or less semesters in length—\$8.00 an hour, including benefits;~~
- ~~(b) Programs that are over two but under four semesters in length—\$9.00 an hour, including benefits;~~
- ~~(c) Programs that are four or more semesters in length—\$9.50 an hour, including benefits;~~

~~The division shall average the wage factor of each program with the wage factor of similar programs offered at other institutes to determine a weighted average program wage factor that may not exceed 1.35. The weighted average wage factor is multiplied by the categorized program reimbursement level times a completer FTE number;~~

~~(3) Completer FTE—The division shall determine a completer FTE number by dividing the number of students who received a diploma from the program by .8 and multiplying the result times the length of the program. The division shall calculate FTE by dividing the total amount of the tuition collected for the program in the previous fiscal year by a number which represents the current hourly semester tuition rate times 32 credits. The division shall determine a student FTE number for skills enhancement, which may be a positive or negative number, by subtracting the institute's total completer FTE from FTE.~~

~~The division shall allocate funding to new programs using an estimated completer FTE number, placement in the targeted program category, and a wage factor of 1.0. New programs may use estimates for a maximum of two years. If a program is restructured in such a way that it has costs similar to a new program, the division may treat it as a new program.~~

~~The amount of funds allocated to each postsecondary institute shall equal the sum of the amounts generated by its programs multiplied by a number representing the total amount available to fund this section divided by the sum of the amounts generated by all programs.~~

- (1) Subtract the total set-asides reserved in § 24:10:42:27 from the total amount appropriated by the Legislature within the general appropriations act;
- (2) Determine the tuition collected at each institution for the preceding fiscal year;
- (3) Sum the tuition collected at each institution as determined in (2) to establish the total postsecondary institute tuition;
- (4) Determine the percent of the total tuition collected at each institution by dividing the result in (2) for each institution by (3); and
- (5) The allocation for each institution is then determined by multiplying the result of (4) times (1).

**Source:** 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 28 SDR 169, effective June 17, 2002.

**General Authority:** SDCL 13-39-37.

**Law Implemented:** SDCL 13-39-37 to 13-39-39.

**24:10:42:29. Yearly revision of formula for funding.** ~~The Division of Workforce and Career Preparation~~ Office of Career and Technical Education shall revise the funding formula

each year using tuition data. ~~The division may recategorize programs based on staffing considerations, equipment and supplies requirements, and economic benefit to the state.~~

~~The division shall submit the formula to the Council of Postsecondary Institutes for review each fiscal year. The Council shall submit its recommendation to the South Dakota Board of Education for final approval.~~

**Source:** 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999.

**General Authority:** SDCL 13-39-13, 13-39-19, 13-39-37.

**Law Implemented:** SDCL 13-39-19, 13-39-37 to 13-39-39.